HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27513 of 2007

Dated 24th December, 2007

Between

Sri K.Rajeswara Rao

…Petitioner

and

The Hon'ble Central Government Industrial Tribunal –cum-Labour Court, at Hyderabad, rep. By its Presiding Officer, and, anr.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27513 of 2007

ORDER:

This Writ Petition is filed questioning the Award dated 5-7-2002 passed in LCID.No. 254 of 2001 by the learned Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, at Hyderabad.

The petitioner, initially, was appointed as Badili on 23-6-1981 in Singareni Collieries Company Limited and subsequently, promoted as Trammer. While he was working as Trammer, he remained absent for 252 days without leave or sufficient cause during the year 1999. The petitioner was charge sheeted and, after conducting enquiry and considering his explanation, he was dismissed from service for the misconduct of unauthorized absence.

The petitioner had challenged the said order of dismissal before the Central Government Industrial Tribunal-cum-Labour Court, by filing petition under Section 2-A(2) of the Industrial Disputes Act, 1947 in LCID.No.254 of 2001. The said Tribunal while upholding the validity of the domestic enquiry and invoking the powers under Section 11(A) of the Industrial Disputes Act, 1947, and, taking into account the past record of the petitioner, ordered reinstatement as Trammer in the initial scale of Trammer. But, however, continuity of service was given only for the purpose of terminal benefits. The petitioner has questioned the adverse part of the said Award in this Writ Petition.

Though the award was passed on 5-7-2002, but however, this Writ Petition is filed only on 20-12-2007. There is no explanation at all in the affidavit filed in the support of the Writ Petition for the abnormal delay and laches on the part of the petitioner. As much as the domestic enquiry was upheld by the Tribunal and in absence of any explanation for the inordinate delay and laches in approaching this Court, I do not find any ground to entertain this Writ Petition.

This Writ Petition is dismissed at the admission stage. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 24-12-2007
Msnr.